

MICHIGAN DOMESTIC VIOLENCE PREVENTION AND TREATMENT BOARD

MEETING MINUTES January 13, 2006

***** APPROVED February 3, 2006 *****

Members Present:

Princella Graham
Honorable Amy Krause, Chair
Mary Beth Kur
Honorable Nathaniel C. Perry, III
Lore Rogers

Staff Present:

Michelle Bynum	Shelia Hankins
Debi Cain, Executive Director	Sarah Heuser
Debbie Felder-Smith	Josie Jubb
Carol Hackett Garagiola	Mary Lovik
Julie Giddings	Barb Mills
Penny Hackett-Evans	

Guests:

Mona Armstrong, St. Clair County Prosecutor's Office
Carla Blinkhorn, YWCA of Grand Rapids
Sue Coats, Turning Point, Inc., Mt. Clemens
Patrice Eller, DHS
Kathy Hagenian, MCADSV
Michele Hernandez, MSP
Mary Keefe, MCADSV
Shari Murgatroyd, Capital Area Sexual Assault Response Team
Rachel Richards, DHS
Linda Rossman, YWCA of Grand Rapids
KC Steckelberg, PAAM
Cris Sullivan, MSU Department of Psychology
Izabela Wackowski-Norris, Capital Area Sexual Assault Response Team

Welcome and Introductions

Chair A. Krause convened the January 13, 2006 Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) meeting at the DHS, Grand Tower Building in Lansing, MI, at 12:48 p.m. A welcome was extended to guests.

BOARD CONSENT

Review of agenda; approval of December 5, 2005 Board meeting minutes.

MOTION: Moved by L. Rogers to approve the January 13, 2006 agenda with the addition of an additional Public Comment section to occur before a Board vote on SB263 and to approve the December 5, 2005 meeting minutes. Seconded by M. Beth Kur. Motion carried.

MONITORING TO ASSURE ORGANIZATIONAL PERFORMANCE

Two Panels gave presentations on the S-6 substitute SB263, which would create a domestic violence “hearsay” exception for statements meeting the following criteria:

- a) The statement purports to narrate, describe or explain the infliction of physical injury upon the declarant.
- b) The action in which the evidence is offered under this section is an offense involving domestic violence.
- c) The statement was made at or near the time of the infliction or threat of physical injury. Evidence of a statement made more than 5 years before the filing of the current action or proceeding is inadmissible under this section.
- d) The statement was made under circumstances that would indicate the statement’s trustworthiness.
- e) The statement was made to a law enforcement officer, OR TO A FIREFIGHTER, A PARAMEDIC, OR AN EMERGENCY MEDICAL TECHNICIAN WHO ASSISTED THE DECLARANT AT OR NEAR THE TIME OF THE INFLICTION OF PHYSICAL INJURY OR THREAT OF PHYSICAL INJURY.

The language emphasized in criteria “e” above was the focus of the panel presentations.

Panel 1 was comprised of:

- Carol Hackett Garagiola (MDVPTB), who gave an overview of the possible costs/benefits to prosecutors and survivors of domestic violence and sexual assault arising from an exception to the rule against hearsay for statements made to medical first responders.
- Mona Armstrong (St. Clair County Prosecutor’s Office, representing PAAM), who explained the benefits of this bill to prosecutors, and addressed concerns raised by the U.S. Supreme Court’s *Crawford* decision.
- Kathy Hagenian (MCADSV), who explained privacy concerns arising from this bill and possible unintended consequences of this bill for survivors of domestic violence and sexual assault.

Panel 2 was comprised of:

- Sue Coats (Turning Point, Inc., Mt. Clemens), who reported on survivor experiences with medical reporting to law enforcement agencies.
- Dr. Cris Sullivan (MSU Department of Psychology), who reported on the results she gathered from focus groups of survivors of sexual assault and domestic violence who were asked to report on their experiences with medical reporting to law enforcement agencies, and to offer their opinions on whether medical professionals should be mandated reporters to law enforcement. Survivors in the focus groups were overwhelmingly opposed to mandated reporting by medical professionals.

After each presentation there were questions to panel members and discussion among Board members.

MOTION: Moved by L. Rogers to oppose SB263 S-6 unless amended as follows:

- P.2 lines 4-5: Delete “to a firefighter, a paramedic or an emergency medical technician who assisted the declarant at or near the time of infliction of physical injury.”
- P.1, lines 2-3: Reinstate language “IS NOT INADMISSABLE AS HEARSAY” rather than “is admissible.”
- P.1, line 7, amend to read: “...IS A CRIMINAL ACTION IN WHICH THE DEFENDANT IS CHARGED WITH AN OFFENSE INVOLVING DOMESTIC VIOLENCE.”

Seconded by N. Perry. Motion carried.

Chair A. Krause dissented, expressing support for the bill. She stated that she believes that MDVPTB is about safety and autonomy of survivors. Chairperson Krause also indicated successful prosecution of offenders does contribute to this safety and autonomy. She believes that this information is not privileged and should be used for the purposes of prosecuting offenders.

PUBLIC COMMENT

Kathy Hagenian, MCADSV, would like to thank the Board for calling a special meeting and for MDVPTB staff time in researching items.

Chair A. Krause thanked all the panelists and guests for being here today.

ADJOURNMENT

The meeting ended at 3:05 p.m.

MOTION: Moved by M. Beth Kur to adjourn the meeting. Seconded by L. Rogers. Motion carried.

Respectfully submitted,
Josie Jubb